

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MASSARO FAMILY LIMITED) Civil Action No. 00-1234
PARTNERSHIP (PW TWO), a Pennsylvania)
Limited Partnership,)
Plaintiff,) The Honorable Gary L. Lancaster
v.)
BAKER & TAYLOR, INC., a corporation,)
Defendant.)

MEMORANDUM AND BILL OF COSTS

Defendant, Baker & Taylor, Inc., by and through its undersigned counsel, submits this Memorandum and Bill of Costs, averring as follows:

1. On January 15, 2004, this Court issued a Judgment Order, which was entered on January 20, 2004, awarding damages to Massaro in the amount of \$496,923.00 plus interest in the amount of \$80,750.00.
2. Baker & Taylor filed a timely Notice of Appeal to the Third Circuit Court of Appeals on February 17, 2004.
3. On December 15, 2005, the Third Circuit Court of Appeals delivered its Opinion and Judgment with respect to Baker & Taylor's appeal. Among other things, the Court of Appeals reversed the District Court's judgment and directed the District Court to enter judgment, as a matter of law, in favor of Baker & Taylor. Moreover, the Court of Appeals' Judgment Order provides that costs are to be taxed against Massaro.
4. On January 9, 2006, the Court of Appeals issued its Amended Mandate.

5. As a result of the Third Circuit Court of Appeals' ruling, Baker & Taylor has successfully defended against all of Massaro's claims, thus making Baker & Taylor the prevailing party in the litigation under Fed. R. Civ. P. 54(d) and 28 U.S.C. § 1920.

5. The costs to be taxed against Massaro are as follows:

Fees of the Clerk	\$150.00
Transcript fees	\$4,019.23
Fees for witnesses	\$436.41
Fees for exemplification and copies necessarily obtained for use in case . . .	\$4,383.15
Docket fees under 28 U.S.C. § 1923	\$27.50
Transcripts necessary to determine the appeal	\$986.70
Fee for filing the notice of appeal	<u>\$5.00</u>
	<u><u>\$10,007.99</u></u>

6. An affidavit explaining and supporting the above costs is attached hereto as Exhibit "A."

Respectfully submitted
COHEN & GRIGSBY, P.C.

By: /s/ Anthony Cillo
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Attorneys for Defendant,
Baker & Taylor, Inc.

DATED: January 27, 2006

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MEMORANDUM OF COSTS AND DISBURSEMENTS was filed with the Court electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Anthony Cillo